

LASC, Case No.: BC459587

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-05498 AHM (AJWx)	Date	August 2, 2011
Title	DAYCO FUNDING CORPORATION v. ERIC CHRISTOPHER CHEN		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:Attorneys **NOT** Present for Defendants:**Proceedings:** IN CHAMBERS (No Proceedings Held)

This case is before the Court on the motion to remand filed by plaintiff Dayco Funding Corporation ("Plaintiff").¹ On April 13, 2011, Plaintiff filed an unlawful detainer complaint in state court against defendant Eric Christopher Chen ("Defendant"). The complaint explicitly does not state the amount in controversy. Defendant removed the case to this Court on July 1, 2011.

Plaintiff has moved to remand to state court on the basis that Defendant untimely removed the action, and because there is no basis for federal subject matter jurisdiction. Defendant has failed to oppose the motion. "The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." Local Rule 7-12. In addition, the motion to remand appears meritorious on its face. The amount in controversy is undoubtedly well under \$75,000 and Plaintiff has failed to demonstrate a federal question at issue in the unlawful detainer action.

Accordingly, the motion is GRANTED.

No hearing is necessary. Fed. R. Civ. P. 78; L.R. 7-15.

Initials of Preparer

SMO

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¹ Docket No. 3.